IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2401 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL AMRUTLAL MADHAVLAL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 2401 of 2000

MR PK JANI for Petitioner No. 1

PUBLIC PROSECUTOR for Respondent No. 1

MR JM BAROT for Respondent No. 2

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 10/07/2001

ORAL JUDGEMENT

#. The Petitioner-accused Patel Amrutlal Madhavlal is personally present along with his brother-in-law Shri Dilipbhai Patel through his counsel Shri Unwala. The complainant-respondent No.2-Patel Somabhai Ishwarbhai is not present, but in his place his eldest son Shri Patel Dilipbhai Somabhai is present through his learned counsel Shri J.M.Barot. Shri Barot for respondent No.2-complainant-Patel Somabhai Ishwarbhai stated at the Bar that Shri Dilipbhai Son of Patel Somabhai Ishwarbhai is authorised to take a just decision in the matter on behalf of his father.

#. It was agreed by both Shri Patel Dilipbhai son of Patel Somabhai Ishwarbhai, respondent No.2 and petitioner-accused-Patel Amrutlal Madhavlal that the petitioner-accused Shri Patel Amrutlal Madhavlal shall pay in all Rs.1,00,000/= in different installments by way of full and final settlement regarding the dispute between him (accused) and the complainant.

#. It was stated at the Bar by Shri Unwala on instruction received from the petitioner-accused Shri Patel Amrutlal Madhavlal that he (accused) shall pay first instalment of Rs.20,000/= on 1.8.2001 and remaining amount of Rs.80,000/= shall be paid by him in equal installments of Rs.10,000/= on the first date of every month either by cash / cheque / draft or pay order to the complainant-Patel Somabhai Ishwarbhai, the present respondent No.2.

#. In view of the above, learned counsel Shri Barot appearing for respondent No.2 stated on instruction from Shri Dilipbhai son of Patel Somabhai Ishwarbhai-respondent No.2 that impugned complaint be quashed.

#. Mr.N.D.GHohil, learned APP has no objection to it. In view of the above, this application is allowed and the impugned complaint being Criminal Case No.2805 of 1999 filed by the respondent No.2-Patel Somabhai Ishwarbhai Patel against present petitioner-accused Shri Patel Amrutlal Madhavlal before the court of Judicial Magistrate First Class, Court No.2, Mehsana for the offences under Sections 421, 423 and 424 IPC is hereby quashed. Accordingly, all proceedings initiated in pursuance of the complaint also stand terminated. Rule is made absolute accordingly. Interim relief, if any, granted earlier stands vacated forthwith.

(B.J.Shethna, J.)

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